

IN PARLIAMENT
HOUSE OF COMMONS
SESSION
2013–14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – Praying to be heard By Counsel. &c.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

THE HUMBLE PETITION of John Barry Hodgins and Lynne Marie Hodgins

SHEWETH as follows:-

- 1 A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your honourable House intituled “A Bill to make provision for a railway between Euston in London and a junction with the West Coast Main Line at Handsacre in Staffordshire, with a spur from Old Oak Common in the London Borough of Hammersmith and Fulham to a junction with the Channel Tunnel Rail Link at York Way in the London Borough of Islington and a spur from Water Orton in Warwickshire to Curzon Street in Birmingham; and for connected purposes.”
- 2 The Bill is presented by Mr Secretary McLoughlin, supported by The Prime Minister, The Deputy Prime Minister, Mr Chancellor of the Exchequer, Secretary Theresa May, Secretary Vince Cable, Secretary Iain Duncan Smith, Secretary Eric Pickles, Secretary Owen Paterson, Secretary Edward Davey, and Mr Robert Goodwill.
- 3 Clauses 1 to 36 set out the Bill’s objectives in relation to the construction and operation of the railway mentioned in paragraph 1 above. They include provision for the construction of works, highways and road traffic matters, the compulsory acquisition of land and other provisions relating to the use of land, planning permission, heritage issues, trees and noise. They include clauses which would disapply and modify various enactments relating to special categories of land including burial grounds, consecrated land, commons and open spaces, and other matters, including overhead lines, water, building regulations and party walls, street works and the use of lorries.
- 4 Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.
- 5 Clauses 43 to 65 of the Bill set out a number of miscellaneous and general provisions, including provision for the appointment of a nominated undertaker (“the Nominated Undertaker”) to exercise the powers under the Bill, transfer schemes, provisions relating to statutory undertakers and the Crown, provision about the compulsory acquisition of land for regeneration, reinstatement works and provision about further high speed railway works. Provision is also made about the application of Environmental Impact Assessment Regulations.

- 6 The works proposed to be authorised by the Bill ("the Authorised Works") are specified in clauses 1 and 2 of and Schedule 1 to the Bill. They consist of scheduled works, which are described in Schedule 1 to the Bill and other works, which are described in clause 2 of the Bill.
- 7 Your Petitioners, John Barry and Lynne Marie Hodgins (hereinafter referred to as 'the petitioners') are the freehold owners and occupiers of a residential dwelling known as 1 Woodlands Farm Cottages, Doddershall, Quainton, Aylesbury, Buckinghamshire, HP22 4DE ('your petitioners' property'). HS2 Ltd has advised in writing that part of this property may be compulsorily purchased for the proposed works. Your petitioners' property is located 130m from the centre line of the proposed railway, abuts on one side an area of land which is to be acquired and used under the Bill for a new Edgcott Road Overbridge, and is surrounded on a further three sides by a parcel of land which is to be acquired and used under the Bill for the construction of the railway and associated engineering embankment works and drainage/flood alleviation works. Your petitioners' property is also in close proximity to the proposed National Grid Substation and Quainton Auto-transformer Feeder Station which is also proposed to be used under the Bill as a construction compound. Your petitioners' residential property lies in a rural area with a high level of tranquillity and will be subject to intolerable visual impact, noise, dust, vibration and disruption from construction traffic. The Environmental Statement accompanying the Bill states that these will be moderate to major adverse effects during the construction as well as permanently during the operation of the line.
- 8 Your petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
- 9 Your petitioners wish to express concern regarding the poor provision of information in the Bill and supplied by the promoter, both prior to the deposit of the Bill and since the Bill has been deposited. The Bill does not describe the purpose of parcels of land in Quainton Parish numbered 178, 185, 190, 192, 193, 196, 200, 202 and 209. Despite requests from your petitioners this information has not been supplied. Your petitioners expect to be consulted on this information when it is made available. Your petitioners have tried to resolve their concerns with the promoter, but the promoter has failed to provide adequate or substantive written answers or to attend a meeting on a date offered by them.
- 10 **Height of line**
- 10.1 Your petitioners are concerned that the railway line would be higher than necessary and that as a result would have significant visual and noise impact on your petitioners' property and its environs. The Environmental Statement states that the proposed new line would be constructed at 7m above existing ground level at the point that it crosses the River Ray, which is close to your petitioners' house. The Environmental Statement also describes the proposed new line as being at approximately the same level as the existing Network Rail line but this crosses the River Ray at only 5m above ground level. Your petitioners consider that there is no justification for this lack of clarity concerning the level of the proposed new line. In addition, the Bill provides for deviations of +/- 3m and so the proposed new line could be as much as

10m above ground level which is twice the height of the existing Network Railway line.

10.2 Your petitioners submit that there is no reason why the proposed railway cannot be constructed at a level that would be lower than the existing Network Rail line. The River Ray runs in a culvert through an underbridge under the existing Network Rail line and it is submitted that there is no reason that the existing underbridge and proposed Adam's underbridge should be retained for access purposes as alternative new access could be provided from Edgcott Road on the east side of the line. This, if implemented would allow a reduction in the height of the line to be made and would save cost by the deletion of the Adam's underbridge, a lower and therefore smaller Edgcott Road overbridge, a smaller flood compensation area and reduced embankments. Of most importance to your petitioners is that a reduction in the level of the line from that proposed would be to significantly reduce the visual impact of the line and the extent of noise intrusion.

10.3 Your petitioners request that the Bill is amended by the lowering of the line by 7m at the point that it crosses the River Ray and that provisions within the Bill that allow deviation, both horizontally and vertically, be deleted.

11 Provide vehicular access

11.1 Your petitioners are concerned that proposals set out in the Environmental Statement propose the diversion of Edgcott Road immediately in front of your petitioners' house and in doing so removes their sole means of vehicular access to their property from Edgcott Road. No provision is made for reinstatement of their vehicular access.

11.2 Your petitioners therefore request that the Bill be amended such that a vehicular access to your petitioners' property from the existing road is retained.

12 Request alterations to the Edgcott Road Overbridge to provide landscaping

12.1 Your petitioners are concerned that an existing section of Edgcott Road, truncated as a result of its diversion at the replacement overbridge would effectively become "dead ground" and is likely to become a place for fly tipping or a stopping place for itinerants and would become an eyesore. If this truncated section of Edgcott Road is incorporated into the adjacent field then all the existing roadside trees and hedges and wildlife habitat will be needlessly lost.

12.2 Your petitioners therefore request that the area between the existing truncated section of Edgcott Road and the proposed new diverted section of Edgcott Road be graded, retaining existing vegetation and that this area and the area between and the existing road hedges be planted with trees and retained as a woodland habitat.

13 Noise

13.1 Your petitioners are gravely concerned that the noise from the operation of the railway will significantly reduce their quality of life. The environmental Statement states that your petitioners' house would suffer a noise increase

from the operation of the railway of in excess of 10dB by day and 12dB by night. Your petitioners are concerned that these measurements are average figures only and that the intermittent and sudden nature of the noise would have a significantly greater impact. Furthermore, the noise levels that will be experienced will be exacerbated because the noise attenuation earth bund currently proposed does not extend in a north-westerly direction past the River Ray embankment and past your petitioners property.

- 13.2 Your petitioners request that the promoters be required to install an effective acoustic screen along the south-western side of the River Ray embankment to the section not currently shielded, and /or extend the currently proposed landscaped bund in a north-westerly direction past the River Ray at an adequate height to provide effective noise screening. Such barriers to be landscaped. Additionally see section 15.2 with regard to the potential for a green tunnel for bats and the beneficial noise and visual impacts of this.
- 13.3 Your petitioners are also concerned about noise insulation. Firstly, that there is no guarantee such works will be provided, and secondly, that such works that may be offered will not pay due consideration to the special character of your petitioners' house which is over 100 years old and may detract from its otherwise attractive character.
- 13.4 Your petitioners therefore request that the promoters are required to make provision for noise insulation and that it is commensurate with the quality of your petitioners' property and of a nature that is acceptable to your petitioners.
- 13.5 Your petitioners are also concerned that the higher levels of noise that can be expected during the construction process will make the occupation of their residential property intolerable, particularly where works are to be carried out during the night-time hours.
- 13.6 Your petitioners request that no works are allowed after 22.00hrs or before 06.00hrs and that HS2 Ltd be required to set noise limits which are in line with World Health Organisation limits and that the local authority be provided with enforcement powers to order the cessation of construction works in the event such anticipated exposures are breached.

14 Air Quality

- 14.1 Your petitioners are concerned that due to the proximity of the line, the altered road and overbridge, the National Grid Substation and the Quainton Auto-transformer Feeder Substation, that that they will be subject to unacceptable levels of dust and poor air quality. The Code of Construction Practice sets out a requirement for 'reasonable endeavours' and your petitioners submit that this should be replaced by a higher standard, i.e. 'best practical means', particularly with regard to dust soiling and that the measures should be agreed with the relevant local authority.
- 14.2 Your petitioners request that before construction commences, the promoter be required to provide a dust and air quality baseline monitoring study benchmarked against the dust nuisance "Custom & Practice" level and Air Quality Standards Regulations 2010, respectively. A copy of this report must be made public. Your petitioners request that the local authority be provided with powers to monitor air quality in accordance with binding mitigation plans

and in the event that air quality thresholds are breached, the power to require the cessation of the construction activities until such point as dust and /or air quality thresholds are complied with.

15 Bat mitigation proposals – Green tunnel

15.1 The proposal is stated in the Environmental Statement to have an adverse impact on Bechstein's bats which use the existing Network Rail line for foraging and to link their habitats. In order to prevent bats being harmed by train strikes an illuminated net box structure is proposed and your petitioners are concerned that this would have a harmful impact on the visual appearance of the landscape. Option F which would have provided for a green tunnel was excluded by the promoters solely on the basis of cost in respect of bat mitigation, without taking into account the associated mitigating visual and noise benefits this has on your petitioners' property and the locality as a whole.

15.2 Your petitioners request that the Bill be amended to include a green tunnel in place of the illuminated net box feature. If this green tunnel solution were adopted and its scope extended from the intended bat box location in a south-easterly direction to the Edgcott Road overbridge the benefits would be many fold. Safety of bat movements would be preserved, noise and visual impact upon your petitioners would be eliminated, lowering of the proposed line (referred to in item 10.3) and other requested mitigation measures such as embankment earthworks and other noise attenuation (referred to in item 13.2) would become unnecessary. Further, ongoing maintenance of a bat box and the energy costs associated with its night illumination incurred into the future would be avoided. Intrusion into an otherwise "dark skies" environment would also be eliminated.

16 Electrical power proposals

16.1 The Environmental Statement states that the proposal would reduce the wooded nature of the view from the assessed viewpoint near to your petitioners' house and open up views of the National Grid Substation and assesses this as having a major adverse effect. No proposal has been put forward to mitigate this effect which will be even more significant at night time when this and the Auto-transformer Feeder Station will be lit up. Your petitioners are concerned that there will be harm to the visual amenities of the area and that this will be exacerbated by new overhead power lines and pylons which will be re-routed to within 200m of your petitioners' property.

16.2 Your petitioners request that power lines are routed underground, that evening and night time lighting is deleted and that planting is provided to mitigate the visual impact of the National Grid Substation and Quanton Auto-transformer Feeder Station.

17 Property compensation

17.1 Your petitioners are concerned that the cumulative impact of the Bill provisions would have an intolerable impact on their ability to reside in their house and to go about their everyday activities including travelling to and from their home. The HS2 line, its earthworks and ground shaping for flood attenuation etc, the National Grid Substation and the Quanton Auto-transformer Feeder Station, the bat exclusion box, the Edgcott Road

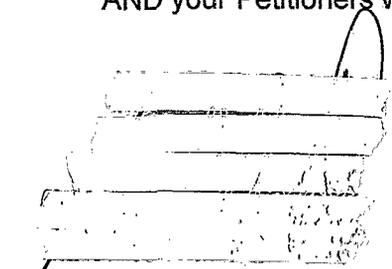
overbridge and road diversion, the re-routed overhead power lines, the light pollution from the National Grid substation and Auto-transformer station would all be within close proximity to one another and within a couple of hundred metres of your petitioners' house. Construction will immediately surround your petitioners' property on all its sides. The traffic, noise, vibration, dust impacts, light pollution and harm to the visual amenities of the area while works are being undertaken would be over a lengthy 9 year period and would have moderate to major adverse impacts. Furthermore, there would be a permanent visual impact and loss of tranquillity thereafter. Your petitioners are facing a significant reduction in the value of their property and the provisions for compensation in 2027, one year after opening, are inadequate given the long timescale of the project.

- 17.2 Your petitioners have lived in the house for over 30 years and had no desire to move until the promoter put forward their plans for the railway line. Once their neighbour's property has been acquired under statutory blight provisions your petitioners will be the only remaining owner/occupier householders in the settlement. They request that, particularly given that HS2 Ltd will own the land on all four sides of your petitioners' house, and all the remaining properties in this settlement, HS2 Ltd be required to provide an undertaking to purchase your petitioners' property in the same way as if it was wholly within the safeguarded zone and was required for the implementation of the works, including an additional 10% reasonable moving expenses, at a time of the petitioners choosing. The benefit to the promoter would be two-fold, firstly there would be no owner/occupier receptor in this whole locality to consider in respect to mitigating the scheme's impact. Secondly, the cost of such mitigation discussed within all previous sections which, for your petitioners is very necessary, is probably greater than the nett cost to HS2 of purchase of your petitioners' property.
- 17.3 Your petitioners submit that in the absence of an undertaking from HS2 Ltd to purchase their property, the Bill should be amended to ensure that your Petitioners are entitled to claim compensation where their Property is not compulsorily acquired, for among other matters, structural damage, settlement, impacts from noise and dust, impacts on visual amenity, interference with access, interference with supplies of services and for injurious affection caused by the construction and operations of the high speed railway and associated development. Your Petitioners request a provision to enable such claim to be made separately from any claim for compensation in respect of the acquisition of land or interests under the powers of compulsory acquisition in the Bill
- 18 In the light of the above, the petitioners reserve the right to raise the above matters and any further matters of concern relating to the substance of the Bill and this petition that may arise from continuing discussions, the preparation and publication of reports, any possible revisions that may be made to current proposals or any other matters relevant to our expressed concerns that may occur in due course and prior to our representation before the Select Committee.
- 19 For the forgoing and connected reasons your petitioners respectfully submit that, unless clauses of the Bill are removed or amended, then the Bill should not be allowed to pass into law.
- 20 There are other clauses and provisions of the Bill which, if passed into law as

they now stand will prejudicially affect your petitioners and their rights (including human rights), interests and property and for which no adequate provision is made to protect your petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONERS therefore humbly pray your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests of your Petitioners and in support of such other clauses and provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.



John Barry Hodgins and Lynne Marie Hodgins

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Lynne Marie Hodgins

AGAINST, By Counsel, &c.

Petitioner in Person